

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Jo Anna Lang, PR of the estate Dick Lang,
Wife and Husband, adoptive parents of
C.L., a minor child and R.L., a minor child,
Jo Anna Lang, guardian ad litem, for C.L.
and R.L.,

Plaintiffs,

v.

STATE OF WASHINGTON, DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,
(DSHS) CHILD PROTECTIVE SERVICES,
(CPS), Kaytena Gonzalez, individually and
MARK AUSTIN GONZALEZ and as a marital
community, Pamela Williams, individually,
and Alan Robert Evans individually and as
a marital community, Jennifer White and
John DOE White individually and as a
marital community, Laura Caruso, John
Doe Caruso, individually and as a marital
community; Sarah Coshow, and JOHN
DOE Coshow, individually and as a marital
community, Janelle E. Redmond and
JOHN DOE Redmond, individually and as

Case No.: 3:20-cv-05057

FIRST AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

1 a marital community, Larraine Martinez,
2 and JOHN DOE Martinez, individually and
3 as a marital community, Beth A. Kutzera,
4 and JOHN DOE Kutzera, individually and
5 GLENN T. KUTZERA as a marital community,
6 J. Aaron Merino, and JOHN DOE Merino;
7 Jaimee Scheffler, individually and JOHN
8 DOE Scheffler as a marital community,
9 And,
10 Office of the Attorney General, State
11 Agency, Danial Hsieh, AAG
12 And,
13 Vancouver Police Department,
14 And,
15 Cowlitz County Sheriff's Department,
16 And,
17 Eimiko Murlin and Jeff Ian Murlin,
18 individually and as a marital community,
19 were foster parents of C.L.
20 And,
21 Steve Vallembois, Jimmy Howard, Foster
22 Parents for R.L., Individually,
23 And,
24 Court Appointed Special Advocate, CASA,
25 its agent Kathy A. Shirilla,
26 And,
27 Kimberly Copeland, MD, Legacy Salmon
28 Creek Medical Center,
29
30

1 Defendants.

2
3 I. INTRODUCTION

4 COMES NOW the above-named Plaintiffs, by and through their attorney of
5 record, KEVIN L. JOHNSON, P.S., Attorney & Counselor at Law, for causes of action
6 against all of the above-named Defendants. Counsel for Plaintiffs would like to introduce
7 you to R.L. and C.L. Exhibits A & B.
8

9 This is a civil action commenced pursuant to 42 U.S.C. § 1983 to redress
10 Plaintiffs' civil rights secured to the Plaintiffs, Dick Lang (now deceased), Joanna Lang
11 as community and as a parent of (R.L) (C.L.). Defendants, deprived Plaintiffs of their
12 federal and state constitutional and statutory rights while acting under "color of law",
13 unlawfully removed and detained R.L. and C.L. from their non-abusive home and placed
14 them in separate abusive homes, absent a warrant and without probable cause, or
15 exigent circumstances, in deprivation of rights protected by the Constitution, laws of the
16 United States, complain and alleges as follows:
17
18
19

20 II. SUBJECT MATTER JURISDICTION

21 1. Before commencing suit against a government entity in Washington, a
22 Plaintiff is required to file a standard claim form with the Office of Risk Management.
23 RCW 4.92.100. No action subject to the claim filing requirements of RCW 4.92.100 shall
24 be commenced against the state, or against any state officer, employee, or volunteer,
25 acting in such capacity for damages arising out of the tortious conduct until sixty
26 calendar days had elapsed after the claim is presented to the Office or Risk
27 Management in the Department of Enterprise Services." RCW 4.92.110. Plaintiffs have
28
29
30

1 filed four torts claim forms which were received by the Office of Enterprise Services on
2 August 30, 2019, sixty calendar days have elapsed. Exhibits 1,2,3,4.
3

4 2. The Office of Risk Management and the Attorney General are required to
5 collaborate in the investigation, denial, or settlement of the claim. RCW 4.92.210. To
6 date, the state of Washington has not communicated with the Plaintiff in an effort to
7 resolve Plaintiff's claims. Hearing no prospects of resolution from the State of
8 Washington, Plaintiffs filed this lawsuit.
9

10
11 A. FEDERAL JURISDICTION

12 3. Jurisdiction of the Federal Court attaches under 42 U.S.C. §1983; Jurisdiction
13 is conferred on this court by 28 U.S.C. § 1343(3) and 1343(4), which provide for original
14 jurisdiction in this court of all suits brought under § 1983; in that the causes of action
15 arise under the Constitution and laws of the United States; and 28 U.S.C. § 1367, in
16 that causes of action arising under state law, are so related to the claims within the
17 original jurisdiction of the court that it forms a part of the same case or controversy
18 under Article III § 2 of the Federal Constitution.
19
20

21 B. SUPPLEMENTAL JURISDICTION

22 4. The Plaintiffs request the court exercise supplemental jurisdiction over
23 State Law claims under 28. U.S.C. § 1367 for violations of Washington Constitution, art.
24 1 § 10; RCW 13.34.020, RCW 13.34.050, RCW 26.44.030(1)(iii), Fraud Chapter 9A.60
25 RCW, Perjury, Negligent Investigation, Harmful placement, defamation, discrimination
26 under Title VII of the U.S. constitution codified at 42 U.S.C § 2000e, and for Injunctive
27 relief.
28
29
30

1 5. All Defendants' actions caused a deprivation of Plaintiffs' constitutional
2 rights and proximately caused personal injuries and damage to all Plaintiffs.
3

4 III. PERSONAL JURISDICTION

5 6. The Plaintiffs are citizens of the state of Washington and reside in
6
7 Vancouver, Washington within the jurisdiction of the Western District Federal Court.

8 7. Most individual Defendants are state actors/officials, working on behalf of
9
10 a State Agency, Department of Social and Health Services (DSHS) Child Protective
11 Services (CPS) located in Vancouver, Washington.

12 8. Defendants are also Vancouver Police acting on behalf of the City of
13
14 Vancouver in the State of Washington. Defendant is a municipality and Plaintiffs assert
15 that it violated a city or county custom or policy that caused the constitutional
16 deprivation to Plaintiffs' civil rights.

17 9. Defendant, Cowlitz Sheriff's Department is a municipality and Plaintiff
18
19 asserts that there was a violation of a city or county custom or policy that caused the
20 constitutional deprivation of Plaintiffs' civil rights.

21 10. A claim for damages form was submitted to both Defendants, Vancouver
22
23 Police and the Cowlitz Sheriff's Department, hearing no response, Plaintiff filed this
24 lawsuit.

25 11. Defendant Dan Hsieh is a "state actor" who at the time was working as an
26
27 Assistant Attorney General, for the State Attorney General's Office located in the State
28 of Washington. He was complicit in the misconduct which caused a constitutional
29 deprivation of Plaintiffs' constitutional rights.
30

1 12. Eimiko Murlin and Jeff Ian Murlin, individually or as a martial community,
2 were the foster care parents for C.L. and complicit in the constitutional deprivation of
3 Plaintiff's rights.
4

5 13. Steve Vallembois, Jimmy Howard, foster parents of R.L., individually and
6 as a community was complicit in the constitutional deprivation of Plaintiff's rights.
7

8 14. Kathy A. Shirilla, is an agent of the Court Appointed Special Advocate
9 (CASA) and was complicit in the constitutional deprivation of Plaintiff's rights.

10 15. Kimberly Copeland, MD, an agent of Legacy Salmon Creek Medical
11 Center, and a vendor of DSHS-CPS was complicit in the constitutional deprivation of Plaintiff's
12 rights.
13

14 IV. Venue

15 16. All acts by the Defendants arose in Clark County, Washington located
16 within the Western Federal District Court at Tacoma pursuant to 28 U.S.C. § 1391.
17 Upon information and belief, all Defendants reside or do business in the State of
18 Washington, and all of the events or omissions giving rise to Plaintiff's claims occurred
19 in this federal district.
20
21

22 V. STATEMENT OF THE CASE

23 17. The legislature has declared that the family unit is a fundamental resource
24 of American life which be nurtured. The legislature further declared that the family unit
25 should remain intact unless a child's right to conditions of basic nurture, health or safety
26 is jeopardized... RCW 13.34.020.
27
28

29 18. Under this declaration, the bond between a child and his parents...is of
30 paramount importance and any intervention into the life of the child is also an

1 intervention into the life of the parents... Plaintiffs allege that Defendant DSHS-CPS
2 with the help of the other defendants, separated and detained R.L. and C.L. from their
3 mother and father for 425 days. From February 3, 2017 to April 4, 2018.
4

5 19. For over 30 years, Plaintiffs' Dick and JoAnna Lang open their hearts and
6 home and adopt minority special needs children.
7

8 20. On January 31, 2017 and February 1, 2017 Defendant CPS received an
9 anonymous telephone referral, Intake # 3534736 regarding the Plaintiffs Dick and
10 JoAnna Lang's' alleged mistreatment of R.L. *Exhibit 5*. Thereafter, DSHS conducted an
11 investigation that led to the removal of R.L. and C.L. from Plaintiff's home placing the
12 children in two separate foster homes.
13

14 21. On Thursday, February 2, 2017 at approximately 10 a.m., CPS, Social
15 Workers, Kaytena Gonzalez and Pamela Williams along with a Vancouver Police
16 banged on Plaintiff's front door. Joanna Lang answered the door. After the Vancouver
17 Police saw and spoke R.L., the Police refused to take R.L. & C.L. into protective
18 custody. CPS never informed Plaintiffs why they were at Plaintiff's' home. Under CPS
19 policy it is the duty of CPS to inform the Plaintiffs at the "point of contact", why they
20 were at Plaintiffs' home and CPS nor the Vancouver police had a warrant.
21

22 22. On February 2, 2017 Kaytena Gonzalez, Pamela Williams and Vancouver
23 Police gave Plaintiff JoAnna Lang a hand-written note demanding that she take R.L. to
24 Legacy Salmon Creek ER for a full checkup. *Exhibit 6*.
25

26 23. At that point the Home School Legal Defense Association (HSLDA)
27 advised Plaintiff, Ms. Lang to take R.L. to his regular pediatrician. *Exhibit 7*.
28
29
30

1 24. On February 2, 2017, after the visit, with Charles Fuchs M.D. he called
2 CPS to inform them that there was no problem with R.L. He does not remember who he
3 spoke with. However, independent evidence indicates that Dr. Fuchs spoke with Ms.
4 Pamela Williams and Dr. Fuchs informed her that he had "no concerns" regarding R.L.
5 returning home with JoAnna Lang. Exhibit 8.
6

7 25. Plaintiff, JoAnna Lang then emailed the doctor report to HSLDA who
8 shared the report with the Danial Hsieh AAG who on February 3, 2018 filed a motion to
9 take R.L. into custody and place in foster care. Cause #17-7-00038. Sometime later
10 C.L. was added to the motion. Cause # 17-7-00039-8. The order for R.L. was not
11 dated. But, the order for D.L. and C.L. was dated. The undated order appears to be a
12 copy. Exhibit 9. On February 3, 2017 the Dan Hsieh, AAG filed a dependency
13 petition for R.L. Exhibit 10.
14

15 26. On May 22, 2018 the dependency petition was denied. This denial
16 included C.L. Exhibit 11.
17

18 27. Dr. Fuchs informed Plaintiff, JoAnna Lang why CPS came to her home.
19 Dr. Fuchs discussed with JoAnna Lang if "she homeschools" R.L. and if R.L. spends a
20 lot of time in his room and he's thin." Plaintiff agreed with Dr. Fuchs. Plaintiff, JoAnna
21 Lang, observed Dr. Fuchs' demeanor and observed that he looked surprised at Ms.
22 Lang's response. Ms. Lang explained, yes we homeschool, and R.L. is 13 years old and
23 does most of his schoolwork in his room. R.L. has a computer and desk in his room.
24 His thinness comes from a reaction due to the medications he was taking.
25

26 28. R.L. just started his new Rx in late October 2017 and these SSRI drugs can
27 take several weeks to start working. The medications R.L. was taking over the years it is
28
29
30

1 documented that his weight fluctuates. The worst weight loss was in 2014 when he was
2 taking Adderall.

3 29. During this exam, Dr. Fuchs found that R.L. was more personable and
4 was smiling and talking to mom. Exhibit 8. Dr. Fuchs, indicated that R.L had also
5 *gained weight* since his October well-check/immunizations. Exhibit 12.
6

7 30. After 2/2/2017 both DSHS-CPS and the AAG received oral and/or written
8 communication from Charles E. Fuchs M.D. after he examined R.L. *id*.
9

10 31. On 2/3/17 CPS took R.L. and C.L. to Legacy Salmon Creek Hospital ER
11 where they both underwent "child abuse specific exams" without the Plaintiffs'
12 knowledge or presence. Both R.L. and C.L. were examined by Tam T. Vuong M.D. who
13 opined after the examination R.L. & C.L. "No signs of Physical Abuse"... "Safe to go
14 Home" and "follow up with "their" pediatrician Charles E Fuchs M.D." "No "signs of
15 abuse" "no malnourishment" "No medical concerns" "safe to go home". Exhibits 12 &13
16
17

18 32. Defendant DSHS-CPS had medical opinions from two doctors. Dr. Fuchs,
19 Plaintiff's pediatrician, Dr. Vuong, the States' Doctor and would not let the children
20 return home to their parents.
21

22 33. 2/3/17 Kaytena Gonzalez falsely reported to "Adult Protective
23 Services"(APS) that Plaintiff, Dick Lang was a vulnerable adult. Later APS closed the
24 file because Mr. Lang did not meet the criteria. It is alleged that this referral was made
25 the same day DSHS-CPS and the Vancouver Police seized and detained R.L. and C.L.
26 from Plaintiffs home. Exhibit 14.
27
28
29
30

1 34. On February 3, 2017 the Ex Parte Pick-up Order to take R.L. and C.L. into
2 custody did not allow entry into Plaintiffs' home by the Vancouver Police Officers or
3 DSHS CPS social workers. The Declaration from Ms. Gonzalez attached to the petition
4 and approved by the AAG was replete with false misinformation that amounted to false
5 certification in violation of RCW 9A.60.050. Exhibit 15.

6
7 35. A Vancouver police officer threatened to go get a warrant and when they
8 came back, he would "*kick the door down*". Out of fear and intimidation, and for the
9 safety and protection of C.L. and R.L., Jo Anna Lang let the four police deputies and
10 three DSHS-CPS social workers into Plaintiffs' home. They proceeded to search the
11 Lang's home and seized R.L. and C.L. and property. At no time did they have a
12 warrant. Exhibit 16.

13
14 36. On Sunday, at 2:15 pm on February 5, 2017 Defendant CPS Social
15 Worker, Kaytena Gonzalez arrived at Plaintiff's front door again and handed Ms. Lang
16 two smaller envelopes. Inside was a brief letter/note about a Family Team Decision
17 Meeting (FTDM) scheduled for the next morning at DSHS-CPS. Accompanying
18 Plaintiffs to this meeting were Pastor Jeff Leveton, his wife Holly, Kathryn Landers,
19 Grandma Belva Griffin and Wilma Jackson. Exhibits 17, A,B,C. The foster mother of
20 C.L. was also in the meeting. Under the Washington Administrative Code (WAC) the
21 foster mother is not allowed to attend the "Family" meeting without the Plaintiffs'
22 consent. DSHS did not get Plaintiff's consent prior to the family meeting.

23 37. The FTDM is must occur not less than 24 hours before the Shelter Care
24 hearing. RCW 13.34.062 (2) (b) and § (9) which states that "receipt shall be made a part
25 of the court's file in the dependency action." Plaintiffs did not receive notice of the 72
26
27
28
29
30

1 Hour Shelter Care Hearing and did not receive a receipt of the notice that was
2 supposed to be part if the court file. This notice violated the 24-hour rule. Exhibit 17.

3
4 38. On 02/07/2017 the Plaintiffs heard of the Shelter Care Hearing in the
5 FDTM meeting in violation of RCW 13.34.062. Exhibit 17A

6 39. Defendants, DSHS-CPS and the AAG were aware of the medical opinions
7 from Dr. Fuchs and Dr. Vuong medical doctors at the 2/7/17 Shelter Care hearing but
8 the State failed to introduce this exculpatory evidence that it had in their possession on
9 three different occasions. Namely, the court hearings at 3/1/17 (no trip for C.L. to Six
10 flags), 3/30/17 (suspension of visits) 7/28/17 (motion to dismiss C.L.).
11

12 40. On December 15, 2017 the Commissioner ruled that the State prevailed.
13 The Assistant Attorney General (AAG) failed to be candid with the tribunal and disclose
14 the results of the exculpatory medical examinations.
15

16 41. On February 23, 2017, CPS reported that JoAnna Lang abused Dick Lang
17 to Adult Protective Services (APS). Next DSHS-CPS gets the Children's Justice Center
18 (CJC) involved to prosecute JoAnna Lang for maltreatment of R.L. and C.L. On
19 February 28, 2017, Adult Protective Services (APS) "closed" the complaint and
20 investigation regarding Dick Lang. On June 11, 2018 the prosecutor's office found that
21 there is insufficient evidence to pursue prosecution. Exhibit 14 C.
22

23 42. On March 21, 2017 the Foster parents tried to take C.L. out of state to 6
24 Flags in California. Plaintiffs prevailed, and DSHS sent C.L. to respite. Not home, when
25 the exculpatory evidence from Drs. Fuchs and Vuong opined that R.L. and C.L. were
26 safe to return home.
27

28 43. On March 30, 2017 "Eight (8) days later" DSHS-CPS and the AAG
29 motions the court to suspend *all* Plaintiffs visits with both R.L. and C.L.
30

1 44. The agency shall encourage the maximum parent and child and sibling
2 contact possible, including regular visitation and participation by the parents in the care
3 of the child in placement. It is alleged that Kathy Shirilla agent for CASA read a letter in
4 open Court from Dr. Copeland who opinioned that Plaintiff should have no visitation.
5 Dr. Copeland never saw or treated C.L. and did not appear at the hearing. Kathy Shirilla
6 made allegations that she never mentioned at the March 21, 2017 hearing. Based on
7 those new allegations, Commissioner Carin Schienberg suspended half of Plaintiffs
8 visits. Plaintiff's "Therapeutic" visits for the family never happened. During the hearing,
9 R.L. asked for more visits with Parents and to see his brother, C.L., but "the social
10 worker, Aaron Merino and CASA Kathy Shirilla failed to set them up". (Documented at
11 supervised visitation.).

12 45. CASA breached its duty to Plaintiffs when she failed to provide visitation in
13 the best interest of the children knowing about the special needs of the children or other
14 circumstances which affect Plaintiffs ability to respond to those needs.

15 46. On April 3, 2017 DSHS-CPS gives Plaintiffs Dick & Joanna Lang a
16 "founded" finding for "negligent treatment and maltreatment" for R.L. only. Never
17 anything about C.L., because no investigation took place. Understanding that DSHS-
18 CPS must take both children on reporting of abuse and negligent, the exculpatory
19 evidence from the Doctors on February 2 & 3, 2017, that DSHS-CPS had in their
20 possession, should have stopped the events from occurring.

21 47. On June 9, 2017 at a supervised visit, R.L. commented that "he could stay
22 there all day" meaning at the visitation center, because he wanted to be with his
23
24
25
26
27
28
29
30

1 parents. The Supervisor heard this comment but failed to write it in her notes she was
2 required to do.

3
4 48. During a supervised visit at CPS on September 15, 2017, R.L. indicated
5 that "he wants to come home". R.L. expressed this feeling on numerous occasions to
6 different people at Family Solutions and Innovation Services. DSHS-CPS did nothing.

7
8 43. DSHS-CPS and the AAG had a duty to investigate the evidence from
9 Private Investigator, Laura Andersen's report and declaration, but failed in their duty to
10 act upon an independent investigation that involved the Foster Parents of C.L. Exhibit
11 18.

12
13 49. DSHS-CPS and the AAG had police report(s) of an abuse investigation of
14 the Foster Parents and police reports of the Foster Parents whose house caught fire
15 when they left the children in the home with no adult supervision. Apparently a 9-year-
16 old started the house fire when C.L. was in the Foster home but failed in their duty to act
17 upon the situation. As a consequence, C.L.'s health deteriorated while he languished
18 for nearly 6 months living in a travel trailer outside the foster care home. C.L. was living
19 in a travel trailer that was not in compliance with WAC110-148-1470 which addresses
20 room sizes and living conditions. Exhibit 19.

21
22 50. On June 30th, 2019 Dick Lang died of a stress related conditions
23 proximately caused by DSHS-CPS and AAG and all other Defendants' conduct.

24 VI. CAUSES OF ACTION

25 1. DEPRIVATION OF PLAINTIFFS CIVIL RIGHTS 26 UNDER §1983

27
28 51. Plaintiffs alleges that Defendants DSHS-CPS acting under the "color of
29 state law" deprived Plaintiff civil rights under the 4th amendment right guaranteed by the
30

1 Constitution of the United States, Article I § 7 of the Washington Constitution, when the
 2 Defendants, State Actors, City actors, and agency actors entered and searched the
 3 Plaintiff's home without a warrant, seized R.L. and C.L. and took property belonging to
 4 the Plaintiff. Exhibit 9.

6 52. As a direct and proximate cause of the Defendants, violation Plaintiffs' civil
 7 rights, Plaintiffs suffered damages, the likes of which are continuing.

9 2. DEPRIVATION OF PLAINTIFF'S
 10 PROSEDURAL
 11 DUE PROCESS RIGHTS

12 53. Fathers and Mothers should not be deprived of parental rights. Plaintiffs
 13 allege that DSHS-CPS breached its duty to investigate the reliability of the referrals
 14 before it determined that the allegations were founded. Exhibit 18.

15 54. DSHS-CPS entered the Plaintiffs name into the Central Register Case
 16 Management Information System (CAMIS) depriving plaintiffs of their civil rights without
 17 substantive or procedural due process in violation of Plaintiffs' 4th amendment right to
 18 due process. DSHS-CPS knew or should have known that the anonymous referral was
 19 from a person who was declared incompetent on December 28, 2017. Exhibit 19.

22 55. As a direct and proximate cause of the Defendants' deprivation Plaintiffs
 23 substantive and procedural rights, and negligent investigation. Plaintiffs suffered
 24 damages, the likes of which are continuing.

26 3. VIOLATION OF RCW 26.44.020(1)

27 56. Defendant DSHS-CPS has a duty to protect R.L. from child abuse. DSHS
 28 placed R.L. in a Foster Home with Defendant, Steve Vallembois. One evening, Mr.
 29
 30

1 Vallembois asked R.L. to come outside of a restaurant. When R.L. was outside, Steve
2 Vallembois said to R.L.: 'if you were my kid I would "slap the s--t" out of you!'

3
4 57. On February 5th, 2017, Defendant Foster Parent, Jimmy Howard, stripped
5 searched R.L. looking for injuries or burses despite the fact that R.L. underwent a child
6 abuse specific exam two days prior on February 3rd, 2017.

7
8 58. As a direct and proximate cause of the Defendants' violation of RCW
9 26.44.020(1), Plaintiffs suffered damages, the likes of which are continuing for an
10 undetermined amount of time: a. Mental pain and suffering; b. emotional distress; and
11 c. loss of enjoyment of life.

12
13 59. In Washington the right to family association includes the right of parents
14 to make important medical decisions for their children and of children to have those
15 decisions made by their parents rather than the state. Plaintiffs alleges that the
16 Defendant made important medical decisions for R.L. without the Plaintiffs' consent or
17 notification. DSHS-CPS and the Foster parent led R.L. to believe that he was going to a
18 camp for foster kids. The foster parent took R.L. to Dr. Eisenfeld who gave R.L. a shot
19 before camp. Later R.L. found out that the camp was for children or family members
20 with aids or HIV. R.L. nor the Lang family have AIDS or HIV. Exhibit 20.

21
22
23 60. As a proximate cause of finding this out, R.L. was distraught and suffered
24 mental and emotional damages the likes which are continuing.

25
26 4. VIOLATION OF RPC 3.3(c)(f), 8.4(d)

27 61. Plaintiffs alleges that Defendant Dan Hsieh (AAG) is a State Actor. The
28 AAG proceeded with an exparte motion supported by a false declaration and negligent
29 investigation seeking an order to remove R.L. and later C.L. from Plaintiff's home. It was
30

1 signed on February 3rd, 2017, when both DSHS-CPS and the AAG knew about the
2 exculpatory evidence from Dr. Charles E. Fuchs M.D. and Dr. Vuong opining that there
3 were no concerns nor any reasonable cause to believe that C.L. was in imminent
4 danger. The AAG failed to present this evidence to the Court.
5

6 62. Defendants' breached it duty to the Plaintiffs and a direct and proximate
7 cause of the AAG's failure/omission, Defendants violated the above RPC 3.3(c)(f),
8 8.4(d). Plaintiffs suffered damages the likes of which are continuing.
9

10 5. HARMFUL PLACEMENT

11 63. Plaintiffs alleges that Defendants, Foster Parents, Eimiko Murlin and Jeff
12 Ian Murlin had a duty to protect C.L. Defendants were negligent when taking care of
13 C.L. C.L. and other children were left unsupervised when a 9-year-old started a fire that
14 burned the home. C.L. had to stay in motor homes unauthorized by WAC 110-148-
15 1470. Exhibit 20.
16
17

18 64. Both Foster Parents were observed by an independent investigator
19 traveling over 80-90 miles per hour with C.L. in the automobile. Exhibit 20.
20

21 65. C.L. was malnourished as you could observe his bones protruding from
22 his chest, ribs, and back, along with numerous other injuries. The State Foster Care
23 system treatment of C.L. constitutes "abuse and neglect" in violation of RCW
24 26.44.020(1), RCW 26.44.020(14), WAC 388-15-009, by placing C.L. with these foster
25 parents, DSHS negligently and unreasonably created a foreseeable risk of harm to C.L.
26 Exhibit 21.
27

28 66. As a direct and proximate cause of the Defendants violation of the above
29 statutes and regulation, Plaintiff suffered damages, the likes of which are continuing.
30

5(a) SUBSTANTIVE DUE PROCESS

Joanna Lang, Dick Lang, R.L. and C.L., has a state-created liberty interest in the social workers supervision of children in foster homes to be free from the infliction of unnecessary pain. Plaintiff allege that the Defendants violated Plaintiffs liberty interest when it intentionally ignored the Doctor's exculpatory medical opinions and kidnapped R.L. and C.L. for 425 days.

As a direct and proximate cause of Defendants violation of Plaintiffs' substantive due process rights, Plaintiff is suffering severe emotional distress that continues.

6. DEFAMATION

67. DSHS-CPS reported that Plaintiff, JoAnna Lang had mental problems and possible neglect in caring for R.L. and C.L. Exhibit 22. All of these statements made by the Defendant DSHS-CPS about JoAnna Lang were false and were communicated to third parties which put Plaintiff in a false light in the community and damaged her reputation. Exhibit 14.

68. Furthermore, Defendant DSHS-CPS (Ms. Gonzalez) falsely reported JoAnna Lang to Adult Protective Services (APS) for allegedly abusing Dick Lang, her husband. APS closed the file deciding that there was no abuse because Mr. Lang did not meet legal criteria as a vulnerable adult. Additionally, on June 11, 2018, the Prosecutor's Office found that there was insufficient evidence to pursue successful prosecution of child abuse against the Plaintiffs. Exhibit 14, A.

69. As a direct and proximate cause of the Defendants, DSHS-CPS communicating false information in reckless disregard of the truth to third parties, put

1 Plaintiff in a false light in the community. Plaintiff suffered damages, the likes of which
2 are continuing.

3
4 7. WRONGFUL DEATH, RCW 4.20.010

5 70. Plaintiff alleges that the relationship between R.L. and C.L. and Dick Lang
6 is of paramount importance and any intervention into the life of the child is also an
7 intervention into the life of the parent.

8
9 71. Plaintiffs allege that the wrongful acts by Defendants DSHS-CPS, and
10 AAG caused overwhelming stress on the Plaintiff, Dick Lang. He died on June 30, 2019.

11 72. As a direct and proximate cause of the wrongful acts by Defendants, Dick
12 Lang died of stress related conditions. Plaintiff JoAnna Lang, the minor children R.L.
13 and C.L. suffered damages. The likes of which are continuing. Jo Anne Lang, guardian
14 for C.L. and R.L. and the executor of Dick Lang's estate to redress decedent's
15 damages, including any pain and suffering between the time of the deprivation by the
16 state actors, to the time of death.

17
18
19 8. NEGLIGENT INVESTIGATION

20 73. It is fundamental that the custody, care, and nurturing of a child, first
21 reside in the parents, whose primary function and freedom include preparation of the
22 obligations the state can neither supply nor hinder. Alleges that Defendant seized their
23 children from their home and placed them in two separate and abusive foster homes.
24 Exhibit 18 & 19.

25
26
27 74. As a direct and proximate cause of placing R.L. and C. L. in two separate
28 foster and abusive foster homes, the children and parents suffered severe damages,
29 the likes of which are continuing.

9. DISCRIMINATION

75. Plaintiffs Dick and Joanna are Jewish. R.L. and C.L. are minority children with special needs. Plaintiffs allege that the Defendant made their adverse Foster Home placement decision based on a racial and religious animus in the removal of R.L. and C.L. from the non-abusive home and placing them in an abusive home where C.L. was restrained by the Foster Parent, and R.L. was stripped searched. Additionally, C.L. never received his wheelchair. It is alleged that DSHS-CPS gave C.L.'s will chair to a Caucasian child.

76. As a direct and proximate cause of Defendant's negligent investigation, Plaintiffs suffered physical and emotional damages, that likes of which are continuing.

VII. DEMAND

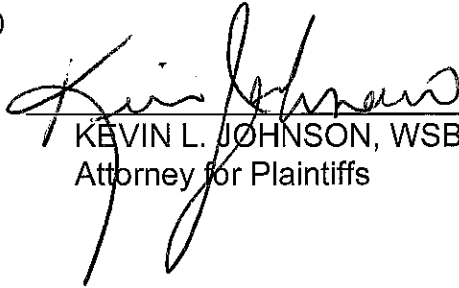
WHEREFORE, the Plaintiff prays for Judgment against all Defendants, as follows:

1. For any and all relief authorized under the federal statute, state statute, and municipal ordinance.
2. For general damages in an amount to be determined at the time of trial;
3. For special damages in an amount to be determined at the time of trial;
4. For Plaintiff's costs and Attorney's fees;
5. For punitive damages for the intentional and spiteful conduct against the Plaintiffs;
6. For leave of Court to amend the Complaint as discovery proceeds;
7. For such other relief as the Court deems just and equitable.

1 8. For injunctive relief to in enjoin this behavior against plaintiffs' A protective
2 order against the State of Washington, DSHS-CPS.

3
4 9. Pre-judgment interest.

5 DATED this 2 day of February 2020

6
7 
8
9

KEVIN L. JOHNSON, WSBA #24784
Attorney for Plaintiffs